

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware corporation; HANESBRANDS, INC., a Maryland corporation; and HBI BRANDED APPAREL ENTERPRISES, LLC, a Delaware limited liability company,

Plaintiffs,

V.

YANG XUEZHAO, an individual;
SHAOBAI ZHANG, an individual; SHEN
LIJUAN, an individual; YONGZENG
CHEN, an individual; LIN ZHISHANG, an
individual; HUANG SHUHUA, an
individual; CHEN JINAI, an individual; FU
YONGBIN, an individual; ZHANG
PENGJU, an individual; XIAOJUAN ZHU,
an individual; YIMEI LI, an individual; and
DOES 1-10,

Defendants.

Case No. 2-21-cv-00766 -RSM

Consolidated Cases:

2:21-cv-00766
2:21-cv-00767
2:21-cv-00768
2:21-cv-00769
2:21-cv-00770
2:21-cv-00771
2:21-cv-00772
2:21-cv-00773
2:21-cv-00774
2:21-cv-00775
2:21-cv-00776
2:21-cv-00777
2:21-cv-00778

ORDER GRANTING PLAINTIFFS' *EX PARTE* SUPPLEMENTAL MOTION FOR ALTERNATIVE SERVICE

1. INTRODUCTION

This matter comes before the Court on Plaintiff Amazon.com, Inc. (“Amazon”), HanesBrands, Inc., and HBI Branded Apparel Enterprises, LLC (collectively, “HanesBrands”)’s Motion for Alternative Service to effect service on Defendants by email. Dkt. #39. Defendants have not yet appeared in the matter. For the reasons set forth below, the Court GRANTS Plaintiffs’ Motion.

II. BACKGROUND

On June 10, 2021, Plaintiffs filed this action against Dafang HaoJiafu Hotpot Store and DOES 1-10 alleging Lanham Act violations for trademark infringement, false designation of origin, and false advertising, and violations of the Washington Consumer Protection Act related to Defendants' unlawful sale of silicone covers in the Amazon store for earbud cases bearing HanesBrands' federally registered Champion-brand trademarks (the "Champion Trademarks") without authorization. Dkt. #1. On July 12, 2021, the Court consolidated this case with twelve other cases alleging the same claims against Defendants for using the Amazon store to unlawfully advertise, market, and sell the silicon earbud covers bearing the Champion Trademarks. See Dkt. #10. On October 20, 2023, Plaintiffs filed a second amended complaint including Defendants Yang Xuezha, Shaobai Zhang, Yongzeng Chen, Lin Zhishang, Huang Shuhua, Chen Jinai, Fu Yongbin, Zhang Pengju, Xiaojuan Zhu, and Yimei Li. Dkt. #36. The Court previously granted Plaintiffs' initial Motion for Alternative Service, finding that Plaintiffs demonstrated good cause for email service. Dkt. #15.

Following initial service, Plaintiffs made further efforts to identify and locate the individuals responsible for the counterfeiting activities of the selling accounts. Dkt. #39 at 4. Plaintiffs believe that all of the Defendants are located abroad given that the majority provided business addresses located in China, while the remaining used foreign-based IP addresses, credit card accounts issued from Hong Kong, and selected Chinese as the preferred language for their selling account. *Id.* at 4-6. Plaintiffs state that Defendants received proceeds from the selling accounts that Plaintiffs previously investigated, of which the IP addresses the accounts were accessed from were located in China, as well as falsified or unrelated addresses. *Id.* The primary means of communicating between Amazon and the individual(s) operating Defendants' Amazon

1 selling accounts were through verified email addresses that Defendants provided when
 2 registering their Amazon selling accounts. *Id.* Plaintiffs state that they confirmed the email
 3 accounts are active. *Id.* at 7.

4 **III. DISCUSSION**

5 **A. Legal Standard**

6 Federal Rule of Civil Procedure 4(f) provides for service of an individual in a foreign
 7 country “by any internationally agreed means of service that is reasonably calculated to give
 8 notice, such as those authorized by the Hague Convention . . .” or “by any other means not
 9 prohibited by international agreement, as the court orders.” Fed. R. Civ. P. 4(f)(1), (3). Courts
 10 have permitted service by email where it is the only method reasonably calculated to apprise a
 11 defendant of the pendency of the action. *See, e.g., Rio Properties, Inc. v. Rio Intern. Interlink,*
 12 284 F.3d 1007, 1016–18 (9th Cir. 2002); *Xcentric Ventures, LLC v. Karsen, Ltd.*, 2011 316966
 13 (D. Ariz. 2011).

14 China and Hong Kong¹ are signatories to the Hague Convention, and although the Hague
 15 Convention is silent regarding service by email, courts in this district regularly authorize requests
 16 for service by email on foreign defendants in countries that are parties to the Convention. *See,*
 17 *e.g., Amazon.com Inc. v. Sirowl Tech.*, No. 220CV01217RSLJRC, 2020 WL 7122846, at *3
 18 (W.D. Wash. Dec. 4, 2020); *Will Co. v. Kam Keung Fung*, No. 3:20-CV-05666-RSL, 2020 WL
 19 6709712, at *2 (W.D. Wash. Nov. 16, 2020). Here, as in *Sirowl* and *Will Co.*, Plaintiffs have
 20 demonstrated an inability to obtain valid physical addresses for Defendants. Furthermore,
 21 Plaintiffs have shown that Defendants conduct business through the Internet such that “service
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 28 ¹ Hong Kong is a “special administrative region of the People’s Republic of China, which has advised the United States that the Hague Service Convention is in effect in Hong Kong.” *Facebook, Inc. v. Banana Ads, LLC*, No. C-11-3619 YGR, 2012 WL 1038752, at *2 (N.D. Cal. Mar. 27, 2012).

1 by email will provide defendants with sufficient notice and an opportunity to respond." *Sirowl*
2 *Tech.*, 2020 WL 7122846, at *3. Accordingly, the Court finds that service by email is appropriate.
3 Plaintiffs' Motion for Alternative Service on the named Defendants is therefore granted.

4 **IV. CONCLUSION**

5 Plaintiffs' *ex parte* Supplemental Motion for Alternative Service, Dkt. #39, is
6 GRANTED. Plaintiffs are authorized to serve the following Defendants via registered the email
7 addresses listed below and should provide confirmation of completed service by email to the
8 Court:

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10 a. Defendant Yang Xuezhao: yifansi2020_us@163.com;
11 b. Defendant Shaobai Zhang: asd53425@163.com;
12 c. Defendant Shen Lijuan: chenjjyu123@outlook.com;
13 d. Defendant Yongzeng Chen: m18175611110@163.com;
14 e. Defendant Lin Zhishang: tisha569mmm@gmail.com;
15 f. Defendant Huang Shuhua: parentpnweducation@outlook.com and
16 fathergaji12@gmail.com;
17 g. Defendant Chen Jinai: dearfwsf@outlook.com;
18 h. Defendant Fu Yongbin: caiqicn@outlook.com;
19 i. Defendant Zhang Pengju: changshouhua753@sina.com and
20 paminahair@163.com;
21 j. Defendant Yimei Li: haojiafu@hotmail.com.

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23 DATED this 23rd day of January, 2024.

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RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE